

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

RALPH SCHWARZ,

Plaintiff,

v.

U.S. FOODSERVICE, INC.,

Defendant.

CIVIL ACTION NO. 05-10331-EFH

JOINT MOTION TO CONTINUE FINAL PRETRIAL CONFERENCE

Defendant U.S. Foodservice, Inc. ("U.S. Foodservice") and Plaintiff Ralph Schwarz ("Schwarz") respectfully request that the Court continue the Final Pretrial Conference to some date after September 15, 2006. In support of this motion, the parties state:

1. The Final Pretrial Conference is currently scheduled for April 18, 2006.
2. By Order dated April 13, 2006, this Court granted the parties' motion to extend discovery and discovery related deadlines.
3. The parties request this continuance to allow the parties to complete discovery and fully brief motions for summary judgment. All replies to motions for summary judgment are due on August 15, 2006.
4. This motion is made within the time originally prescribed in accordance with Fed. R. Civ. P. 6, in good faith, and with no intent to delay these proceedings.
5. This is the parties' first request for continuance of this deadline. Neither party will be prejudiced if the Court grants this motion.

WHEREFORE, the parties respectfully request that the Court continue the Final Pretrial Conference to some date after September 15, 2006.

Respectfully submitted,

THE PLAINTIFF,
RALPH SCHWARZ
By his attorney,

THE DEFENDANT,
U.S. FOODSERVICE, INC.
By its attorneys,

/s/ Frank P. Spinella, Jr.
Frank P. Spinella, Jr. (BBO# 566536)
HALL, MORSE, ANDERSON, MILLER &
SPINELLA, P.C.
14 Centre Street, P.O. Box 2289
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(603) 225-6655

/s/ John P. McLafferty
John P. McLafferty (BBO# 639179)
Joy E. Barni (BBO #653711)
DAY, BERRY & HOWARD LLP
One International Place
Boston, MA 02110
(617) 345-4600

Dated: April 13, 2006

CERTIFICATE OF SERVICE

I, John P. McLafferty, do hereby certify that on this 13th day of April, 2006, I electronically filed Joint Motion to Extend Discovery and Related Deadlines using the CM/ECF system which will send notification of such filing(s) to the following: Frank P. Spinella, Jr., Hall, Morse, Anderson, Miller & Spinella, P.C., 14 Centre Street, P.O. Box 2289, Concord, NH 03302-2289.

/s/ John P. McLafferty
John P. McLafferty